

**Notice of Allowability**

Application No.

09/333,894

Examiner

Mark Fadok

Applicant(s)

KAPADIA ET AL.

Art Unit

3625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to BPAI Decion mailed 11/11/2005.
2. ☒ The allowed claim(s) is/are 1-4 and 6-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



## **DETAILED ACTION**

### ***Notice of Allowance***

The examiner is in receipt of BAPI Decion mailed 11/14/2005. Acknowledgement is made to the reversal of the examiner's position in favor of the appellant's. Based on the Board decision the following reasons for allowance follows:.

### ***Reasons for Allowance***

Claims 1-4 and 6-43 are allowable.

The following is an Examiner's statement of reasons for allowance for Independent claims 1,10,20,28 and 36.

The application is allowable for the reasons set forth on page 4of the decision of The Board of Patent Appeals and Interferences appeal No 2005-1622, which is hereby incorporated by reference. As noted therein, and as argued in page 9 of appellant's brief, the claimed invention requires an optimization function to identify during a configuration session a "default" selection of an item as required by all of the claims on appeal, whereas the closest prior art does not use an optimization functions as stated in the claimed invention.

## **US Patents and PG-PUB**

- (i) US Patent 6,167,383 to Henson et al. discloses a method providing

custom computers over the Internet. Allsop et al, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

### **Foreign Patent Documents**

(iii) EP 0425405 to James et al. teaches an automated custom order promising and confirmation method. This patent however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

### **Non-Patent Literature**

(iv) Rhythm, dated 5/26/2003 teaches a series of web pages that teaches an order promise solution that allows the sales organization to have global visibility and allows ERP order management to provide accurate quotes in real time. Rhythm, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00

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PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**(571) 273-8300** [Official communications; including

After Final communications labeled

"Box AF"]

**(571) 273-6755** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



Mark Fadok

Primary Examiner